IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19755 of 2004

Between:

The Guntur Weaver's Co-operative Production and Sales Society Limited, Rep. by its President, Nehru Nagar, Chenetha Colony, Guntur.

..... PETITIONER

AND

1 Assistant Commissioner of Labour & The Controlling Authority Under Payment of Gratuity Act, Circle -II. Guntur.
2 Mr. D. Vasantha Rao, S/o. Venkata Subba Rao,
D.No. 26-36-202, Ist Line, Ankamma Nagar, Guntur.
3 The Assistant Director of Handlooms and Textiles, Opp. to Saraswathi Picture Palace, Station Road, Guntur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Certiorari calling for the records relating to and in connection with the order in P.G.M.P.15/2000 in P.G. 81 of 2000, dated 07-06-03 on the file of First Respondent and quash the same as arbitrary, illegal and against the principles of natural justice.

Counsel for the Petitioner: MR.BHASKARA RAO BANDARUPALLI

Counsel for Respondent No.1: GP FOR LABOUR

Counsel for Respondents 2 and 3: --

The Court at the stage of admission made the following Order:

The only grievance of the petitioner is that the first respondent has erroneously condoned the delay of 86 days in filing the gratuity application by the second respondent.

A perusal of the impugned order dated 07-06-2003 shows that there was no contest by the petitioner and the first respondent having considered the material on record, thought it fit to condone the delay. I do not see any justifiable reason to interfere with such a discretionary order.

Even otherwise, the impugned order, which was passed more than a year ago, does not deserve any interference at this point of time.

The writ petition is accordingly dismissed. No costs.

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28-10-2004

kdl

To

1 The Assistant Commissioner of Labour & The Controlling Authority Under Payment of Gratuity Act, Circle -II. Guntur.
2 The Assistant Director of Handlooms and Textiles, Opp. to Saraswathi Picture Palace, Station Road, Guntur.

3 Two C.Cs. to the Government Pleader for Labour, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.